

REMARKS

Summary of the Office Action

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,338,050 to Conklin et al.

Summary of the Response to the Office Action

Claim 1 has been amended to more clearly define the invention and claim. Claims 40 and 41 have been added. Claims 23-39 are withdrawn with traverse. Accordingly, claims 1-4 and 40-41 are presently pending.

The Rejection Under 35 U.S.C. § 103(a)

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,338,050 to Conklin et al. Specifically with respect to claim 1, the Examiner asserts that it “would have been obvious to one of ordinary skill in the art at the time the invention was made to include the steps of defining which of said plurality of traders are included in which of said plurality of member, and allowing at least one of said traders to authorize at least one of interaction between two of the members to the invention of Conklin.” *See* Detailed Action at 5.

Claim 1 has been amended to recite a computer implemented method for controlling a commercial environment, the commercial environment comprising a plurality of traders, each of said traders included in at least one of a plurality of members, wherein the plurality of members are included in at least one of a plurality of communities, the method comprising, *inter alia*, the steps of, “dynamically defining which of said plurality of members in the business to business exchange are included in at least one of said communities to flexibly control transactions in the on-line business to business exchange; dynamically defining which of said plurality of traders in

the business to business exchange are included in which of said plurality of members to flexibly control transactions in between said plurality of members, and allowing at least one of said traders to authorize at least one of a) interaction between a first of said traders and a second of said traders, and b) interaction between a first of said member and a second of said members.” (emphasis added). No new matter is believed to have been introduced as the amendment is fully supported by the application as filed. *See Application As Filed at 5, lines 15-16.*

As the Examiner correctly acknowledged on page 5 of the Detailed Action, Conklin et al “does not explicitly teach the steps of defining which traders are included in which of said plurality of members.” More specifically, Conklin et al. does not disclose, teach, nor suggest “dynamically defining which of said plurality of traders in the business to business exchange are included in which of said plurality of members” using the multivariate negotiations engine of Conklin et al. Rather, Conklin et al. only describes the relationship of a trader to a plurality of members as defined *prior* to any transactions between participants in a sponsored community created and administered by the multivariate negotiations engine. For example, sponsored community CC includes stockbrokers CC08br and traders CC08br. *See Conklin et al.*, 18:48-51, FIG. 1c. Conklin et al. does describe the participant functions 214 as including: seller “automatically integrated remote Web authoring and processing and administration;” or generating buyer proposals. *See id.*, 20:4-32, FIG.1k. As Conklin explicitly contemplates, “For commercial implementations each participant is either a buyer or seller (or, in some cases, both) in the community.” *See id.* 17:19-21, FIG. 1a.. None of the participant functions of Conklin et al. include “dynamically defining” which of the plurality of traders are included in which of the plurality of members.

The Examiner’s Official Notice at page 5 of the Detailed Action does not cure the defect of Conklin et al. The Examiner’s example of traders in a community like a stock exchange does

not disclose, teach nor suggest dynamically defining which trader is included in which of said plurality of members. Instead, the combination of the teaching suggests previously defined trader to member definitions subsequently participating in a community created and administered using the multivariate negotiations engine of Conklin et al. Applicants respectfully request withdrawal of the rejection because neither Conklin et al. nor the Official Notice of the Examiner, whether taken singly or combined, teach or suggest each feature of amended claim 1. Claims 2-4 depend from claim 1 and should be allowed for at least the same reasons.

New Claims

New claims 40 and 41 are presented for the Examiner's review and consideration. No new matter is believed to have been introduced.

Withdrawal of Claims 23-39

Applicants withdraw claims 23-39 with traverse for the same reasons set forth in the Response to Election/Restriction Requirement previously entered. Nevertheless, in order to expedite the prosecution of this application, the discussion herein is limited to claims 1-4 and new claims 40-41.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of pending claims 1-4 and 40-41. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.


Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3). In addition, a separate express Petition for Extension of Time under 37 C.F.R. § 1.136(a) is being submitted herewith in duplicate.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: **March 3, 2004**

CUSTOMER NO.: 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202.739.3000

By 
David J. Baltazar Reg. No. 53,964